

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO <i>ex rel.</i>)	
State Engineer,)	
)	
Plaintiff,)	No. CV 07941 BB
)	
)	RIO CHAMA Stream System
)	
ROMAN ARAGON, <i>et al.</i> ,)	Sections 3, 5 and 7
)	
Defendants.)	
_____)	

JOINT STATUS REPORT ON WILD AND SCENIC RIVER ACT CLAIM

Pursuant to the Court’s Order Granting Joint Motion to Amend Scheduling Order of July 12, 2007 (No. 8730), the State of New Mexico *ex rel.* State Engineer (“State”) and the United States file this joint status report regarding the status of their progress toward a final agreement for resolving the United States’ Wild and Scenic Rivers Act reserved right claim for the Rio Chama (“Rio Chama WSRA Claim”).

The State has been preparing a revised proposal that it expects to present to the United States within the next few weeks. Although the parties have reached a final agreement on the United States’ WSRA claim on the Rio Jemez, the parties are addressing several more technical issues in the resolution of the United States’ Rio Chama WSRA claim than were present in the United States’ WSRA claim on the Rio Jemez. First, the Rio Chama WSRA Claim includes scientific studies on the specific flow needs for fisheries as presented in the United States’ Rio Chama Instream Flow Assessment prepared by the BLM in December 1992. Second, the Rio Chama has existing gaging stations, which present technical issues regarding gaging standards and

margins of errors for establishing conditions under which a priority call can be made. Third, the boating values in the Rio Chama WSRA Claim present technical issues concerning an annual peak flow claim. Fourth, the presence of storage reservoirs on the Rio Chama and the storage and conveyance of San Juan Chama Project water present technical and legal issues regarding dam operations that were absent on the Rio Jemez WSRA claim.

The parties believe that these additional issues can be addressed and a proposed agreement can be reached between the attorneys for the United States and the State by the end of January, 2008. An additional 2 to 3 months may be required to address any concerns of the Rio Chama Acequias Association (“RCAA”) and the Asociacion de Acequias Norteñas de Rio Arriba (“Acequias Norteñas”) which may have not been resolved in the agreement between the United States and the State. Final approval by the United States will then require a further 1 to 3 months after the attorneys reach a final form of agreement.

Based in part on the success of their negotiations on the Rio Jemez WSRA claim, the parties believe that this process will avoid encumbering the adjudication with additional litigation activity. In lieu of a litigation schedule, the parties propose to file status reports with the Court every 90 days during the course of these negotiations.

Respectfully Submitted,

/s/Arianne Singer
Special Assistant Attorney General

NM Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150

telephonically approved
David Gehlert, Esq.
U.S. Dept. of Justice
1961 Stout Street, 8th Floor
Denver, CO 80294
(303) 844-1386

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of August 2007, I filed the foregoing electronically through the CM/ECF system, which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/
Arianne Singer